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File: 7579

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Stylianos Panaghe	**Group:**	3742
Serial No:	10/820,401	**Examiner:**	J. Jeffery
Filed:	April 8, 2004		
For:	A RADIANT ELECTRIC HEATING ELEMENT		

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Commissioner for Patents
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Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION--37 CFR 192)

1. Transmitted herewith in triplicate is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on April 4, 2006.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief *in triplicate*." 37 CFR 1.192(a) [emphasis added]

2. STATUS OF APPLICANT

This application is on behalf of

X a small entity

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

X	small entity	$250.00
_	other than a small entity	$500.00

Appeal Brief fee due **$250.00**

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on August 4, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV903158356US addressed to the: Mail Stop: Appeal Brief-Patent, Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450

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4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

(a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-d)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
_	one month	$120.00	$60.00
X	two months	$450.00	$225.00
_	three months	$1,020.00	$510.00
_	four months	$1,590.00	$795.00

Fee $ 225.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

_ An extension for _____ months has already been secured and the fee paid therefor of $_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request $

or

(b) _ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee $250.00

Extension fee (if any) $ 225.00

TOTAL FEE DUE: $475.00

6. FEE PAYMENT

X Attached is a check in the sum of $475.00

_ Charge Account No. 19-0079 the sum of _____.

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

X If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 19-0079.

AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO:	10/820,401	**EXAMINER**:	J. Jeffery
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Sir:

APPEAL BRIEF

Pursuant to 35 U.S.C. §134 and 37 C.F.R. §41.31, §41.35 and §41.37, Applicant respectfully appeals to the Board of Patent Appeals and Interferences from the Examiner's final rejection of each of Claims 1 - 17 of Applicant's Patent Application Ser. No. 10/820,401 filed April 8, 2004, which is a continuation of PCT application No. PCT/GB02/04581 filed on October 9, 2002 which claims priority to British Pat. Appln. No. 0124190.0 filed October 9, 2001.

I. Real Party of Interest

The real party of interest in the present application is the inventor, Stylianos Panaghe.

II. Related Appeal and Interferences

The present application has no related cases that are the subject of a pending appeal or interference.

III. Status of Claims

Each of the pending claims 1 - 17 stands rejected under 35 U.S.C. §103(a).

IV. Status of Amendments

An amendment is being filed herewith merely to include shading in Figures 1 and 2.

V. Summary of Claimed Subject Matter

The present invention involves a radiant electrical heating element comprising of basically, a first ceramic track printed on at least one face of the base plate (see page 3, lines 1-8). An electrical conductive heating track is printed on the surface of the first ceramic track, lying remote from the base plate. A second ceramic track is printed on the heating track. Thus, with the first and second ceramic track to surround and seal the heating track. Terminal means (1) are connected to the heating track for connecting same to an electrical power supply.

In further embodiments, the ceramic tracks (3) (Fig. 2) are wider than the heating track (5) (see page 5, lines 14-16). In further embodiments, combined ceramic and heating tracks follow a meander pattern to cover a substantial area of the base plate (see page 5, lines 1-4). In further embodiments, the ceramic layer is printed or coated onto the base plate remote

from the ceramic and heating tracks, and in further embodiments, the combine ceramic and heating tracks are printed on opposed faces of the base plate.

In further embodiments, the base plate is made of stainless steel (see page 3, lines 10-12).

In still further embodiments, including a method for producing a radiant electric heating element, including the steps of providing a base plate (2), printing a ceramic track on at least one face of the base plate, and printing an electrical conductive heating track (5) on the first surface of the first ceramic track (3) running remote from the base plate (see page 5, beginning on line 14 continuing through page 6, line 3). The heating track is electrically insulated there from. A second ceramic track (4) is printed on the heating track so that the first ceramic track of the heating track is surrounded and sealed by the first and second ceramic tracks. The heating track is connected (1) to a supply of electrical power are also provided.

A still further embodiment includes a method where the base plate is cleaned to ensure that the surface there from is free of any contaminants before printing of the first ceramic track.

In still a further embodiment, a toast making appliance comprising of at least one radiant electric heating element according to the previous description includes means for supporting at least one piece of bread in close proximity to the heating element, even in direct contact therewith.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 2 and 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809, in further view of Glynn, U.S. Patent No. 2,673,142.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809 and in further view of Needham, U.S. Patent No. 2,939,807.

Claims 5, 6, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809 and in further view of Trist, U.S. Patent No. 2,495,788.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321, in view of Demin, U.S. Patent No. 5,252,809, and in further view of Martin, U.S. Patent No. 3,978,315.

Claims 13 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, and in further view of Demin, U.S. Patent No. 5,252,809.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, Demin, U.S. Patent No. 5,252,809, and in further view of Alsafadi, U.S. Patent No. 6,323,467.

Claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, Demin U.S. Patent No. 5,252,809, and in further view of GB2199733.

VII. Argument

A. Claims 1, 2 and 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809

As previously described, Claim 1 is directed to a radiant electrical heating element.

In particular, claim 1 includes a base plate and a first ceramic track printed on at least one face of the base plate. An electrically conductive heating track printed on the surface of the first ceramic track lies remote from the base plate. A second ceramic track printed on the heating track such that the first and second ceramic tracks surround and seal the heating track. Terminal means are included to connect the heating track to a supply of electrical power.

The Examiner stated that Garaway'321 discloses a radiant heater comprising a steel base plate, for a ceramic "track"22 formed thereon, an electric heater printed on the ceramic track, any ceramic "track" 34 that together with the ceramic "track" 22 surround and seal the electric heater. The Examiner continued by stating that the Applicant's claim is different from Garaway'321 in calling for the ceramic tracks to be printed, however printing is well-known in the art and Demin'809, for example discloses printing insulative layer to a steel substrate.

The Applicant does not agree with the Examiner's statement that Garaway'321 discloses an electric heater with a ceramic "track" together with the ceramic layer which surrounds and seals the electric heater. Garaway'321 discloses and enamel coating layer which can be seen from Figures 2 and 5 and which covers the entire surface of the heater. Whereas, the present invention discloses a first track 3 and a second track 4. The term "track" can be understood from the dictionary to have a common meaning of trail, road or pathway; which would indicate a definite and purposeful shape which, crucially, is narrow. In the description of the present application, in paragraph 14, there is described the tracks having a "meandering" shape and as

show in Figure 1, it can be seen that the track has a shape to follow that of the electrically conductive track 5. In paragraph 24, there is described the possible thickness of the track with a shape that is narrow and is significantly smaller than the length. When viewing these claims together, it is clear to a man skilled in the art, reading the Applicant's specification to understand the term "track" to describe a shape which has a width significantly smaller than its length. Therefore, a man skilled in the art's understanding of the term "track" would **NOT** cover the shape of the enamel coating covered in Garaway'321. A continuous layer is not the same as a track. Therefore, the Applicant considers the Examiner's analysis to be incorrect in that Garaway'321 discloses a ceramic track.

The test for obviousness under §103 is whether the subject matter of the claims would have been obvious at the time of the invention to one of ordinary skill in the art in view of the cited references. 35 U.S.C. §103(a). As stated by the Court of Appeals for the Federal Circuit:

> To reach a proper conclusion under §103, the decisionmaker must step backward in time and into the shoes worn by a person having ordinary skill in the art when the invention was unknown and just before it was made.

In re Fine, 837 F2.d 1071, 1074, 5 U.S.P.Q.2d 1586,1598 (Fed. Cir. 1988).

A *prima facie* case of obviousness exists when the prior art "provided the motivation to make the claimed invention in the expectation that it would have similar properties". In re: Dylan, 919 F.2d 688, 16 U.S.P.Q.2d 1897 (Fed. Cir. 1990). In order for the claimed invention to be obvious, there must be some suggestion in the prior art of the results achieved by the invention, Diverse Tech. Corp. v. Century Steps, Inc. 850 F.2d 675, 7 U.S.P.Q.2d 1315 (Fed. Cir. 1988). Determination that novel culmination within the obvious requires supporting teaching in the prior art, and a retrospective view of inherency cannot serve as a substitute for actual teaching or suggestion in prior art which supports elective selection, and use of various elements

in particular claim combinations. In re: Newells 13 U.S.P.Q.2d 1248 (C.A.F.C, 12, 12 89). Additionally, a retrospective view of inherency is not a substitute for some teaching or suggestion which supports the selection and use of the various elements in their particularly claimed combination.

The Examiner believes there to be ample motivation for the man skilled in the art to amend the teaching of the prior art, as to lead to the features of the present invention. Garaway'321 describes and electrical resistant heater wherein the heating element is being insulated from the environment. A base coating is first applied to a base plate and Figures 3, 4 and 5 show the base coating (shown as 22) in the form of a continuous layer. There is no mention of any other geometric shape that this base coating may take, nor is their any suggestion that the shape of the base coating should differ or that another shape may be advantageous. An electric resistant circuit is then applied over the base coating and a top coating is then applied over the whole circuit for protection. The top coating seen in Figures 5 and 6 (shown as 34) covers the electrical resistance circuit and the base coating completely. Also, it takes the form of a continuous layer. Column 3, line 35-36 describes a top coating as being applied over the resistance elements and the base coating. Silk-screen printing is only referred to for the application of the base coating or top coating but there is no suggestion that any geometric shape of the base coating or the top coating should be anything other than a universally applied coating to follow the shape of the base plate for which they are built up. There is no motivation for a man skilled in the art to alter the geometry of the coatings from those disclosed in Garaway'321 and in particular, no motivation to form a track which follows precisely the geometry of the electrical circuit.

Demin'809 describes a panel heating element with a heating layer and layers applied thereto for protection and support. The heating layer 2 is described in column 1, line 41-42, as

being applied on the support element 1. Figure 1 shows the shape of the heating layer to follow the geometry of the other layers. The description of a "panel" heating element, or "laminar" or "laminars" support and the heating "layer", specifically column 2, lines 43-45, but more generally throughout the document, would suggest to the skilled man a continuous surface with no breaks, which is in no way similar to that of the track of the Applicant's invention. As discussed above, the term "track" would suggest to a man skilled in the art a width that is considerably smaller than the length, and indicates a direction or geometry that follows a predetermined or specific path. A panel would be considered crude and relatively shapeless in comparison and would not be described by a man skilled in the art as having geometry the same or similar to that of a track. Column 4, lines 28-42, describes the use of silk-screening to apply one complete and continuous layer onto another complete and continuous layer. This is the only description of one controlling the geometry to be anything other than a solid continuous panel.

From the above description of Gallaway'321 and Demin'829, that the Applicant's invention which includes a radiant electrical heating element that is surrounded by two printed tracks is not described in the cited prior art.

As seen from the description of both, neither the Garaway'321 alone or in combination with Demin'829 describe a radiant electrical heating element that is surrounded by two printed tracks. Thus, a man skilled in the art reading Garaway'321 would not be presented with ceramic tracks to cover the electrically resistant element, nor would he be in anyway motivated to alter the geometry of the base or the top coatings to form tracks around the electrical element. The silk-screen techniques of Demin'829, described above are nothing more than the application of layers in the form of continuous panels or block shapes. Thus, without a retrospective view of inherency, one skilled in the art would not be motivated to arrive at the Applicant's invention. There is no teaching or suggestion in the cited references to form a track. The cited references

only use complete layers. There must be some suggestion or teaching that the "track" would form a better electric heating element.

Claim 2 continues on by including that both ceramic tracks are wider than the heating element. Claims 7 and 8 are further directed to claiming that the base plate is made of stainless steel and that the first and second ceramic tracks are formed of the same material. All these claims include first and second tracks which are to cover the heating track.

Claim 9 is directed to a method for producing the radiant electric heating element by providing a base plate and printing a first ceramic track on at least one face of the base plate. Again, it includes a "track" and not a continuous complete layer covering the entire base plate. An electrically conductive heating track is printed on the surface of the first ceramic heating track laying remote from the base plate such that the heating track is electrically insulated there from. A second ceramic track is printed on the heating track so that the first and second ceramic tracks surround the heating track. Terminal means are provided for connection of the heating track to a supply of electric power.

Thus, the final rejection of claims 1, 2 and 7-9 should therefore be reversed.

B. Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809, in further view of Glynn, U.S. Patent No. 2,673,142.

The Examiner stated that it is obvious to combine Garaway'321 and Demin'809

The Demin patent was filed in 1991, long after the Garaway patent issued in 1955. Demin had the availability of the prior art of a zigzag heating element, however chose not to use it. Instead, Demin insisted on using a base plate having a conductive heating layer and a heating layer which are solid surfaces of a complete layer. The Examiner is again using hindsight in order to pick and choose specific elements of the prior art in order to combine the

references to come up with the Applicant's invention. Additionally, in Garaway'321 only one element is produced in a track, whereas in the Applicant's invention all three layers are in a track. Thus, the Examiner is using hindsight to pick and choose specific elements to re-invent the Applicant's invention there is no suggestion or teaching to have an electrically conductive heating track surrounded by a first ceramic track and a second ceramic track.

Thus, the final rejection of claim 3 should, therefore, be reversed.

C. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809 and in further view of Needham, U.S. Patent No. 2,939,807.

The Examiner has stated that Needham'807 provides a base plate remote from the ceramic and heating tracks. Thus, this remote layer is a combination of claim 1 and 4 is obvious. The Applicant agrees that use of a coating remote from a base plate is not new. However, what is new is the combination of use of the remote coating in conjunction with the electrically conductive heating track printed on the surface of a first ceramic track and the first and second ceramic tracks surrounding and sealing the heating track.

The combination of Needham'807 in view of Garaway'321 and in further view of Demin'809 does not render the Applicant's invention as obvious. The Applicant respectfully requests that the Examiner's rejection be obviated.

Thus, final rejection of claim 4 should therefore be reversed.

D. Claims 5, 6, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321 in view of Demin, U.S. Patent No. 5,252,809 and in further view of Trist, U.S. Patent No. 2,495,788.

Claims 5 and 6 are dependent claims based on independent claim 1, claims 11 and 12 are dependent claims based on claim 9 wherein, claims 5 and 6 are parallel to that of claims 11 and 12. The claims include combined ceramic and heating tracks, both singular and multiple combinations thereof being printed on opposed faces of the base plate. Again, the Garaway reference in view of Demin'809 does not include a combination of a first ceramic track and a second ceramic track surrounding and sealing a heating track, whether they be on one side of the base plate of both sides thereof. Thus, final rejection of claims 5, 6 11 and 12, therefore, should be reversed.

E. Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Garaway, U.S. Patent No. 2,859,321, in view of Demin, U.S. Patent No. 5,252,809, and in further view of Martin, U.S. Patent No. 3,978,315.

Claim 10 is dependent on claim 9 and is directed to a base plate to ensure the surface of the base plate is free from any contaminants before printing the first track thereon. The Applicant's agree that is well known to clean the base plate before any applying any printing thereto. However, the combination of Garaway'321 and of Demin'809 in view of Martin'315 does not render the Applicant's invention as obvious as the Garaway and Demin references do not include a combination of a first ceramic track and a second ceramic track surrounding and sealing a heating track. The Garaway and Demin references include a full layer of material. There is no teaching or suggestion of cleaning the base plate before applying the printed tracks of claim 9. Therefore, the final rejection of claim 10 should be reversed.

F. Claims 13 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, and in further view of Demin, U.S. Patent No. 5,252,809.

Claim 13 is dependant on claim 1 wherein, claim 15 dependent on claim 13. Claim 13 is directed to a toast making appliance having at least one radiant electric heating element according to claim 1. the appliance includes a first ceramic track having a heating track printed thereon and having a second ceramic track to surround and seal the heating track. Additionally, the claim includes support means for at least one slice of bread in close proximity to the heating element even in direct contact therewith. Claim 15 includes the previous toast making appliance and further including a browning sensor. The Examiner has indicated that de Jenlis'239 discloses a toast making appliance with a pair of parallel radiant heating panels 1A, 1B and is toasted by heat radiated from elements on both sides of the bread. The Examiner continues stating that the claim is different than de Jenlis'239 in calling for radiant electric heating element as in claim 1 but that plainer radiant heaters are well known in the art. For example Garaway'321 discloses a radiant heating comprising steel plate 16 for ceramic "track" 22 formed thereon, and electric heating "track" 24 printing on a ceramic layer 22 and on a ceramic "track" 34 that together with the ceramic layer 22 surround and seal the electric heater. The Examiner continues by stating that all of the ceramic tracks of Garaway'321 are not printed, that printed insulated layers which surround an electric heating element are well known and is shown in Demin'809.

As discussed above, Garaway'321 and Demin'809 both include layers which are on a continuous solid plain and do not include "tracks" as would be defined by a dictionary. Wherein, the Applicant's invention includes a toast making appliance which has a base plate

where a first ceramic track is printed on at least one face the base plate. A conductive heating track is printed on top of the first ceramic track and then a second ceramic heating track is printed on top thereof such that the first and second ceramic tracks surround and seal the heating track. The ceramic is not a track but a coating which completely covers the base plate. This is different than the track of the Applicant's invention which does not completely coat and seal the base plate. This is similar to the remaining tracks such that the base plate is not completely surrounded.

A sustainable rejection under §103, therefore requires more than modifying the prior art to achieve the claimed invention, the "mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." In re Gordon, 933 F.2d 900, 902, 221, U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

The final rejection of claims 13 and 15 therefore, should be reversed.

G. Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, Demin, U.S. Patent No. 5,252,809, and in further view of Alsafadi, U.S. Patent No. 6,323,467.

Claim 14 is directed to a toast making appliance wherein a pair of radiant electric heating elements are placed in mutually parallel relationship, having means being provided to enable adjustment of the distance between said parallel pair of elements.

This claim is dependent on claim 13 previously discussed. De Jenlis'234, Garaway'321 and Demin'809 do not provide a toast making appliance wherein the heating track and ceramic tracks enveloping the heating track are provided in a track like means rather than a complete coating over the base plate. The Examiner has further cited Alsafadi'467 to show that

horizontally adjusting radiant electric heating elements are known. The final rejection of claim 14, therefore, should be reversed.

H. Claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over de Jenlis, U.S. Patent No. 6,125,234, in view of Garaway, U.S. Patent No. 2,859,321, Demin U.S. Patent No. 5,252,809, and in further view of GB2199733.

Claim 16 is directed to a toast making appliance according to Claim 15, wherein said browning sensor is an infra-red emitter-receiver scanning detector.

Claim 17 is directed to a toast making appliance according to Claim 16, which includes means to auto-zero the scanning detector before each toasting operation, thus to provide browning control of breads having different initial colors.

As previously discussed the combination of these dependent claims together with all of the intervening claims is not obvious in view of the prior art. Thus, the rejection should be withdrawn.

VIII. Claims Appendix

The pending claims are as follows:

1. A radiant electric heating element comprising a base plate, a first ceramic track printed on at least one face of the base plate, an electrically conductive heating track printed on the surface of the first ceramic track lying remote from the base plate, a second ceramic track printed on the heating track thus with the first ceramic track to surround and seal the heating track, terminal means being connected to the heating track for connecting same to a supply of electrical power.

2. The radiant electric heating element according to Claim 1, wherein both ceramic tracks are wider than the heating track.

3. The radiant electric heating element according to Claim 1, wherein the combined ceramic and heating tracks follow a meander pattern to cover a substantial area of the base plate.

4. The radiant electric heating element according to Claim 1, wherein a ceramic layer is printed or coated onto the face of the base plate remote from the ceramic and heating tracks.

5. The radiant electric heating element according to Claim 1, wherein the combined ceramic and heating tracks are printed on opposed faces of the base plate.

6. The radiant electric heating element according to Claim 1, wherein multiple combined ceramic and heating tracks are printed on opposed faces of the base plate.

7. The radiant electric heating element according to Claim 1, wherein the first and second ceramic tracks are formed from the same material.

8. The radiant electric heating element according to Claim 1, wherein the base plate is of stainless steel.

9. A method of producing a radiant electric heating element, comprising the steps of providing a base plate, printing a first ceramic track on at least on face of the base plate, printing an electrically conductive heating track on the surface of the first ceramic track lying remote from the base plate, such that the heating track is electrically insulated therefrom, printing a second ceramic track on the heating track so that with the first ceramic track the

heating track is surrounded and sealed by the first and second ceramic tracks, and providing terminal means for connection of the heating track to a supply of electric power.

10. The method according to Claim 9, wherein the base plate is cleaned to ensure that the surface thereof is free of any contaminants, before printing thereon of the first ceramic track.

11. The method according to Claim 9, wherein the combined ceramic and heating tracks are printed on opposed faces of the base plate.

12. The method according to Claim 9, wherein multiple combined ceramic and heating tracks are printed on opposed faces of the base plate.

13. A toast making appliance comprising at least one radiant electric heating element according to Claim 1, including means for supporting at least one slice of bread in close proximity to the heating element, even in direct contact therewith.

14. The toast making appliance according to Claim 13, wherein a pair of radiant electric heating elements, are placed in mutually parallel relationship, means being provided to enable adjustment of the distance between said parallel pair of elements.

15. The toast making appliance according to Claim 13, including a browning sensor.

16. The toast making appliance according to Claim 15, wherein said browning sensor is an infra-red emitter-receiver scanning detector.

17. The toast making appliance according to Claim 16, including means to auto-zero the scanning detector before each toasting operation, thus to provide browning control of breads having different initial colors.

IX. Evidence Appendix

There is no further evidence that bears on the issues in the present appeal.

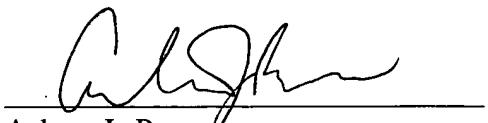
X. Related Proceedings Appendix

There are no decisions rendered by a court or the Board in any proceeding identified above pursuant to 37 C.F.R. §41.37(c)(1)(ii).

XI. Conclusion

For the foregoing reasons, applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's final rejection of each of claims 1 - 17.

Respectfully submitted,



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